

1 KEKER, VAN NEST & PETERS LLP
DAVID SILBERT - # 173128
2 dsilbert@keker.com
REID P. MULLEN - # 270671
3 rmullen@keker.com
ERIN E. MEYER - # 274244
4 emeyer@keker.com
DAVID J. ROSEN - # 296139
5 drosen@keker.com
RYLEE KERCHER OLM - # 318550
6 rolm@keker.com
LUIS G. HOYOS - # 313019
7 lhoyos@keker.com
KAIYI A. XIE - # 311182
8 kxie@keker.com
JACQUELINE CONCILLA - # 335733
9 jconcilla@keker.com
633 Battery Street
10 San Francisco, CA 94111-1809
Telephone: 415 391 5400
11 Facsimile: 415 397 7188

12 Attorneys for Defendant GOOGLE LLC,

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE/SAN FRANCISCO DIVISION

16 JAWBONE INNOVATIONS, LLC,

17 Plaintiff,

18 v.

19 GOOGLE LLC,

20 Defendant.
21
22
23
24
25
26
27
28

Case No. 3:23-cv-00466-TLT

**NOTICE OF PENDENCY OF OTHER
ACTION INVOLVING SAME PATENTS**

Judge: Hon. Trina L. Thompson

Date Filed: September 23, 2021

Trial Date: N/A

Pursuant to Patent Local Rule 2-1(a), based on information available to it, Defendant Google LLC (“Google”) hereby notifies the Court that the same Plaintiff, Jawbone Innovations LLC (“Jawbone”), filed two matters concerning the same patents within two years.

I. THE GOOGLE ACTION.

On September 23, 2021, Jawbone filed a patent-infringement action against Google in the U.S. District Court for the Western District of Texas. *See Jawbone Innovations, LLC v. Google LLC*, Case No. 3:23-cv-00466-TLT (the “Google Action”), Docket No. 1. The initial complaint in the Google Action alleged infringement of eight patents:

- U.S. Patent No. 8,019,091 (the “091 Patent”);
- U.S. Patent No. 7,246,058 (the “058 Patent”);
- U.S. Patent No. 8,280,072 (the “072 Patent”);
- U.S. Patent No. 8,321,213 (the “213 Patent”);
- U.S. Patent No. 8,326,611 (the “611 Patent”);
- U.S. Patent No. 10,779,080 (the “080 Patent”);
- U.S. Patent No. 11,122,357 (the “357 Patent”); and
- U.S. Patent No. 8,467,543 (the “543 Patent”). *Id.* ¶¶ 9-16.

On December 23, 2021, Jawbone filed an amended complaint adding a ninth patent, U.S. Patent No. 8,503,691 (the “691 Patent”). Google Action, Docket No. 23 ¶ 9-17.

On February 1, 2023, the Honorable Judge Alan Albright transferred the Google Action to the U.S. District Court for the Northern District of California, and the case was assigned to the Honorable Magistrate Judge Nathaniel M. Cousins. *See Google Action*, Docket Nos. 105, 106, 107, and 108. After Jawbone declined to proceed before Judge Cousins, the case was reassigned to the Honorable Judge Trina L. Thompson. *See Google Action*, Docket Nos. 109, 114, and 115.

II. THE AMAZON ACTION.

On November 29, 2021, Jawbone filed a patent-infringement action against Amazon.com, Inc. and Amazon.com Services, Inc. (collectively, “Amazon”) in the U.S. District Court for the Eastern District of Texas. *See Jawbone Innovations, LLC v. Amazon.com, Inc., et al.*, Case No. 3:22-cv-06727-TLT (the “Amazon Action”), Docket No. 1. The initial complaint in the Amazon

1 Action alleged infringement of the same eight patents asserted in the Google Action's initial
2 complaint. *Id.* ¶¶ 17-24.

3 On February 28, 2022, Jawbone filed an amended complaint adding the '691 Patent to the
4 Amazon Action. Amazon Action, Docket No. 24 ¶¶ 17-25.

5 On November 1, 2022, the Honorable Chief Judge J. Rodney Gilstrap transferred the
6 Amazon Action to the U.S. District Court for the Northern District of California, and the case was
7 assigned to Judge Cousins. *See* Amazon Action, Docket Nos. 60, 61, and 62. After Jawbone
8 declined to proceed before Judge Cousins, the case was reassigned to Judge Thompson. *See*
9 Docket Nos. 65, 73.

10 Considering the foregoing, Google respectfully requests that the Court relate the Google
11 Action and the Amazon Action pursuant to Patent Local Rule 2-1(a)(1).

13 Dated: February 15, 2023

KEKER, VAN NEST & PETERS LLP

15 By: /s/ David Silbert

16 DAVID SILBERT
17 REID P. MULLEN
18 ERIN E. MEYER
19 DAVID J. ROSEN
20 RYLEE KERCHER OLM
21 LUIS G. HOYOS
22 KAIYI A. XIE
23 JACQUELINE CONCILLA

Attorneys for Defendant GOOGLE LLC,